

REMARKS

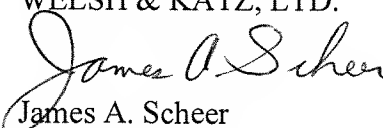
Reconsideration and further examination of the subject patent application, in view of the Request for Continued Examination submitted herewith and in view of the present Amendment and the following Remarks, is respectfully requested. Claims 1-39 are currently pending in the application. Claims 1-39 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,137,870 to Scherer in view of U.S. Pat. No. 6,704,410 to McFarlane et al. ("McFarlane"). Claims 1, 12 and 29 have been amended. After careful review of the claims and references, applicant believes that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Independent claims 1, 20, 29, 38 and 39 have been rejected as obvious over Scherer in view of McFarlane. The Examiner concedes that Scherer does not teach the VRU transferring calls back to the ACD by dialing a telephone number of the selected agent or selected agent group using a hook transfer type operation and routing to the selected agent station, but asserts that McFarlane does so, citing Col. 5, lines 39-50. However, McFarlane disclosed a system with agent stations 304 and IVR 102 directly connected to the call router 101 (See Fig. 1) and Col. 5, lines 39-50 merely describes collection of data by the IVR 102. There is no disclosure in McFarlane of the VRU transferring the call back by dialing a number of the selected agent using a hook transfer type of operation as claimed in claims 1, 20, 38 and 39. Further, claim 29, as well as dependent claim 3, call for the VRU to communicate to the ACD through the PSTN. Neither McFarlane nor Scherer teach this feature. The Examiner cites Fig. 38 in Scherer against claim 3, however, Scherer in Figs. 3A and 3B discloses a system which communicates with the IVR 138 through a direct data link 174. ("The call processing system 152 controls the IVR system 138 through links 174...The Dialed Numbers and ANI data,

other network data, and/or database data is evaluated by the call processor 152 through the call processor's access to the IVR 138 by data link 174" Col. 17, lines 13-20). Thus, Scherer does not disclose access and control of the VRU through the PSTN as now claimed in claim 29. Therefore, independent claims 1, 20, 29, 38 and 39 are distinguishable over the over the combination of Scherer and McFarlane because the combination does not teach all of the claimed features. Accordingly, the independent claims 1, 20, 29, 38 and 39 are believed to be allowable. In addition, dependent claims 2-19, 21-28, and 30-37 are believed to be allowable because they depend from allowable base claims.

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits a Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,
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